

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

JULIUS H. GLENN, SR.,  
Plaintiff,

v.

PERFORMANCE ANESTHESIA, P.A.,  
WALTER R. HAND, JR.,  
RAYMOND E. BREZINSKI,  
DENISE CONNEEN,  
COREY E. EICHELBERGER,  
UNITED STATES OF AMERICA,  
Defendants.

**JUDGMENT**

No. 5:09-CV-309-BR

**Decision by Court.**

This action came before Senior United States District Judge W. Earl Britt for consideration of three motions: defendant United States of America's motion to dismiss, plaintiff's motion for review of the United States' scope of employment certifications, and defendant's motion to stay discovery.

**IT IS ORDERED, ADJUDGED AND DECREED** that defendant's motion to dismiss pursuant to Fed. R. Civ. P. 12(b)(1) is **GRANTED**. Plaintiff's motion for review of the United States' scope of employment certifications is **DENIED**. In light of the foregoing rulings, defendant's motion to stay discovery is moot and is therefore **DENIED**. Because Performance Anesthesia, P.A. remains as a party defendant, this case is **REMANDED** to the General Court of Justice, Superior Court Division, Cumberland County, North Carolina.

**This judgment filed and entered on August 27, 2010, and served on:**

Donald H. Beskind (via CM/ECF Notice of Electronic Filing)  
Tobin W. Lathan (via CM/ECF Notice of Electronic Filing)  
Joshua B. Royster (via CM/ECF Notice of Electronic Filing)  
R.A. Renfer, Jr. (via CM/ECF Notice of Electronic Filing)  
Linda Priest, Clerk of Superior Court, Cumberland County, NC (via U.S. Mail)

August 27, 2010

/s/ Dennis P. Iavarone  
Clerk of Court